

REMARKS

Claims 1-20 were pending in the application. Claim 16 has been amended and claim 20 has been cancelled without prejudice. Therefore, claims 1-19 are currently pending.

No new matter has been added. Claim 16 has been amended to correct a typographical error.

Rejection of Claims 1-19 under the Doctrine of Obviousness-Type Double Patenting Over Claims 1-19 of U.S. Patent No. 6,455,590

Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,455,590. Specifically, the Examiner states that “[t]he claims of the U.S. patent are drawn to deprenyl compound in a liposome for the treatment of glaucoma,” and that “such claims are an obvious variation” of the claims of the instant application, and thus are “within the scope of each other.”

Applicant respectfully submits that, while in no way admitting that the present claims are obvious over claims 1-19 of U.S. Patent No. 6,455,590, Applicant has submitted herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(b) and (c), if appropriate, which obviates the rejection.

Rejection of Claims 1-19 under the Doctrine of Obviousness-Type Double Patenting Over Claims 1-18 of U.S. Patent No. 5,783,606

Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 5,783,606. Specifically, the Examiner states that “[t]he claims of the U.S. patent are drawn to the specific deprenyl compounds as claimed in the dependent claims of the instant application,” and that “[t]he claims of the instant application are an obvious variation and are within the scope of the U.S. Patent.”

Application No.: 10/699635
Examiner: Z.A. Fay

Docket No.: IFM-005CP4CN2
Art Unit: 1618

Applicant respectfully submits that, while in no way admitting that the present claims are obvious over claims 1-18 of U.S. Patent No. 5,738,606, Applicant has submitted herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(b) and (c), if appropriate, which obviates the rejection.

Rejection of Claim 20 under 35 U.S.C. §102(b)

Claim 20 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,242,950 (hereinafter "the '950 patent"). Specifically, the Examiner is of the opinion that the '950 patent teaches the use of a deprenyl compound in a formulation for the treatment of macular degeneration and concludes that "[s]uch composition is inherently kept in a kit or container."

Applicants have cancelled claim 20, thereby rendering this rejection moot.

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CONCLUSION

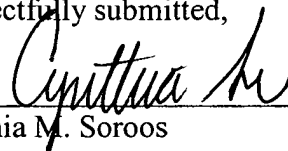
Cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The cancellation of the claims is being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conference with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Dated: February 21, 2006

Respectfully submitted,

By



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